



UNITED STATES PATENT AND TRADEMARK OFFICE

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**FEB 15 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Michael S. Rothberg :  
Application No. 10/080,784 : DECISION  
Filed: February 22, 2002 : ON PETITION  
Atty Docket No.: :  
K35A0462 :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed January 5, 2005. The petition is properly treated under 37 CFR 1.181.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed May 24, 2005. The Notice set a one (1) month period for reply. No reply having been received, this application became abandoned on June 25, 2005.

The instant petition

Applicant responds with the instant petition wherein Applicant avers that a timely reply to the Notice was filed on June 20, 2005 (Certificate of Mailing dated June 17, 2005), and was received by this Office as evidenced by Applicant's return-receipt postcard. Applicant provides that, due to a scrivener's error, the application number was entered on the Cover Letter as application serial number 09/080,784, instead of 10/080,784.

The application papers filed June 17, 2005 have not been located in application serial number 09/080,784; however, in view of Applicant's return-receipt postcard, and Certificate of Mailing, it is apparent that the Response to Notice was filed in this Office


on June 17, 2005, and due to errors on the part of applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center 2651 for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Attorney

Office of Petitions